EXHIBIT C

\$ \$ \$ \$ \$ \$ \$ \$ \$

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL GERMANO, On Behalf Of Himself And All Others Similarly Situated,

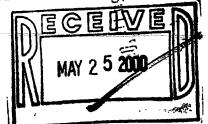
Plaintiff,

vs.

MICROSOFT CORPORATION

Defenda

Defendant.



Civil Action No. 00-10172-JLT



PLAINTIFF'S MOTION TO REMAND

Now comes the Plaintiff in the above-entitled action and, pursuant to 28 U.S.C. §1447(c), moves to remand this case to the Middlesex Superior Court of the Commonwealth of Massachusetts.

As grounds therefore the Plaintiff states as follows:

- 1. This action was initially filed by plaintiff in the Middlesex County Superior Court. On January 28, 2000, the defendant filed its Notice of Removal and removed the action to this court. This court lacks subject matter jurisdiction of this case, and removal was therefore improper.
- 2. There is no diversity jurisdiction under 28 U.S.C. §1332 because the amount in controversy between the defendants and each individual member of the putative class does not exceed \$75,000. (Complaint, ¶5).
- 3. There is no subject matter jurisdiction under 28 U.S.C. §1331 because the Plaintiff has not raised any claim under the laws of the United States. The complaint alleges that

